

Application Serial No. 09/936,293

Reply to Office action of June 17, 2005

REMARKS

Claims 1 through 15 are pending in this application. Reconsideration is requested based on the following remarks.

Objections to the Specification:

The Title of the Invention was again objected to as being inadequately descriptive. The title matches substantially the preamble of the claims, which is submitted to be customary. The Applicant submits, therefore, that the title is clearly indicative of the invention to which the claims are directed, and is in substantial conformance with the procedures thought generally to be followed at the U.S. Patent and Trademark Office as well. If a telephone conference would help resolve this issue, the Examiner is invited to call the undersigned representative of the Applicant to discuss the title of the invention. The Examiner is also invited to suggest a more descriptive title. Otherwise, withdrawal of the objection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claims 1 through 3 were rejected under 35 U.S.C. § 103 as being unpatentable over Terasawa, US 2002/0122396 in view of Saito, US 5,914,592. The rejection is traversed. Reconsideration is earnestly solicited.

Claim 1 recites:

"a clock generator generating sampling clocks with changed timing by inserting different frequency clocks into the sampling clock based on the cell/sector selected by said cell selector and based on the primary path detected by said path detector."

Terasawa neither teaches, discloses, nor suggests a clock generator generating sampling clocks with changed timing by inserting different frequency clocks into the sampling clock based on a cell/sector selected by a cell selector and based on a primary path detected by a path detector, as acknowledged graciously in the Office action.

The Office action seeks to overcome this deficiency of Terasawa by combining Terasawa with Saito. Saito, however, neither teaches, discloses, nor suggests a clock generator generating sampling clocks with changed timing by inserting different frequency clocks into the sampling clock based on a cell/sector selected by a cell selector and based on a

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primary path detected by a path detector either, and thus cannot make up for the deficiency of Terasawa noted in the Office action.

In Saito, rather, the phase-locked loop circuit changes the frequency of the signal derived from the original oscillation circuit into another frequency corresponding to *sweep rate variable information* derived from a sampling control unit, as described in the Abstract. This is to be contrasted with claim 1, in which different frequency clocks are inserted into the sampling clock based on a *cell/sector* selected by a cell selector and based on a *primary path* detected by a path detector. Since Saito changes the frequency of the signal based on *sweep rate variable information* derived from a sampling control unit, different frequency clocks are not being inserted into the sampling clock based on a cell/sector selected by a cell selector and based on a primary path detected by a path detector, as recited in claim 1.

Furthermore, Saito provides a sampling signal generating circuit capable of *continuously* varying a sampling frequency, and also to provide a digital oscilloscope with employment of such a sampling signal generating circuit with a *variable* sampling frequency, as described at column 2, lines 36-41, rather than inserting different frequency clocks into the sampling clock based on a cell/sector selected by a cell selector and based on a primary path detected by a path detector, as recited in claim 1. Since Saito generates a *continuously* varying sampling frequency, different frequency clocks are not being inserted into the sampling clock based on a cell/sector selected by a cell selector and based on a primary path detected by a path detector, as recited in claim 1.

Finally, in Saito, sampling control circuit 1 outputs the frequency setting data 1a used to continuously change the sampling frequency, and the frequency-dividing-ratio switching signal 1b used to change the sampling frequency in a *stepwise* mode as described at column 5, lines 35-39, rather than inserting different frequency clocks into the sampling clock based on a cell/sector selected by a cell selector and based on a primary path detected by a path detector, as recited in claim 1. Since Saito changes the sampling frequency in a *stepwise* mode, different frequency clocks are not being inserted into the sampling clock based on a cell/sector selected by a cell selector and based on a primary path detected by a path detector, as recited in claim 1.

Since neither Terasawa nor Saito teach, disclose, or suggest a clock generator

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generating sampling clocks with changed timing by inserting different frequency clocks into the sampling clock based on a cell/sector selected by a cell selector and based on a primary path detected by a path detector separately, their combination cannot either. Thus, even if Terasawa and Saito were combined, as suggested in the Office action, the claimed invention would not result. Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 2 and 3 depend from claim 1 and add additional distinguishing elements. Claims 2 and 3 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2 and 3 is earnestly solicited.

Claims 11 through 15 were rejected under 35 U.S.C. § 103 as being unpatentable over Terasawa in view of Tabbane et al., US 5,701,586. The rejection is traversed. Reconsideration is earnestly solicited.

Claim 11 recites:

"a cell selector selecting a most significant cell/sector based on signal sampled by said sampling unit, using at least two different threshold."

Terasawa neither teaches, discloses, nor suggests a cell selector selecting a most significant cell/sector based on a *signal* sampled by a sampling unit, using at least two different thresholds, as acknowledged graciously in the Office action.

The Office action seeks to overcome this deficiency of Terasawa by combining Terasawa with Tabbane. Tabbane, however, neither teaches, discloses, nor suggests a cell selector selecting a most significant cell/sector based on a signal sampled by a sampling unit, using at least two different thresholds either, and thus cannot make up for the deficiency of Terasawa noted in the Office action.

In Tabbane, rather, a mobile station selects a cell of the most appropriate *size* for the speed at which the mobile station is moving, as described at column 1, lines 51-53. This is to be contrasted with claim 11, in which a cell selector selects a most significant cell/sector based on a *signal* sampled by a sampling unit, using at least two different thresholds. Since Tabbane selects a cell of the most appropriate *size* for the speed at which the mobile station is moving, Tabbane is not selecting a most significant cell/sector based on a signal sampled by a sampling unit, as recited in claim 11.

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Furthermore, in Tabbane, the *number* of reselected cells is compared with a first predetermined threshold associated with the selected cell and a second predetermined threshold associated with the selected cell and lower than the first predetermined threshold, as described at column 2, lines 4-8. This is to be contrasted with claim 11, in which a cell selector selects a most significant cell/sector based on a *signal* sampled by a sampling unit, using at least *two* different thresholds. Since Tabbane compares the *number* of reselected cells with a first predetermined threshold and a second predetermined threshold, Tabbane is not selecting a most significant cell/sector based on a signal sampled by a sampling unit, as recited in claim 11.

Finally, in Tabbane, the mobile station selects the layer in which the cells have the most appropriate *size* to the speed of the mobile station, as described at column 2, lines 26-28. This is to be contrasted with claim 11, in which a cell selector selects a most significant cell/sector based on a *signal* sampled by a sampling unit, using at least *two* different thresholds. Since Tabbane selects the layer in which the cells have the most appropriate *size* to the speed of the mobile station, Tabbane is not selecting a most significant cell/sector based on a signal sampled by a sampling unit, as recited in claim 11.

Since neither Terasawa nor Tabbane teach, disclose, or suggest a cell selector selecting a most significant cell/sector based on a signal sampled by a sampling unit, using at least two different thresholds separately, their combination cannot either. Thus, even if Terasawa and Tabbane were combined, as suggested in the Office action, the claimed invention would not result. Claim 11 is submitted to be allowable. Withdrawal of the rejection of claim 11 is earnestly solicited.

Claims 12 through 15 depend from claim 11 and add additional distinguishing elements. Claims 12 through 15 are thus also submitted to be allowable. Withdrawal of the rejection of claims 12 through 15 is earnestly solicited.

Allowable Subject Matter:

The Applicant acknowledges with appreciation the indication that claims 4 through 10 are allowable.

Conclusion:

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Accordingly, in view of the reasons given above, it is submitted that all claims 1 through 15 are allowable over the cited references. Since the objection to the specification was addressed, it is submitted that all of claims 1 through 15 are now allowable. Allowance of all claims 1 through 15 and of this entire application are therefore respectfully requested.

Please charge any fee or credit any overpayment pursuant to 37 C.F.R. §§1.16 or 1.17 to Deposit Account No. 02-2135.

Respectfully submitted,

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